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Region 3
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BEFORE THE CANYON COUNTY PLANNING AND ZONING COMMISSION

IN THE MATTER OF AN APPLICATION)
BY IDAHO FISH AND GAME FOR A)
CONDITIONAL USE PERMIT TO ALLOW)
FOR THE CONSTRUCTION OF A)
REGIONAL OFFICE FACILITY ON)
APPROXIMATELY FORTY (40) ACRES)
IN AN R-R (RURAL RESIDENTIAL))
ZONE.)

FINDINGS, CONCLUSIONS
AND ORDER

P & Z CASE NO. 91-015

Request by IDAHO FISH AND GAME for a CONDITIONAL USE PERMIT to allow for the construction of a regional office facility on approximately forty (40) acres in an R-R (Rural Residential) Zone. The property is located on the west side of South Powerline Road approximately one-half mile north of Locust Lane at 3101 South Powerline Road and is further described as being a portion of the Southeast Quarter of Section 3, Township 2 North, Range 2 West of the Boise Meridian, in Canyon County, Idaho. A properly noticed hearing was held April 4, 1991 per Section 3.5 of Canyon County Zoning Ordinance #79-008 as amended. After consideration of the staff report given by Gail Pergande, Zoning Officer, and of the testimony and other evidence presented at the hearing the Commission has decided to approve this request based upon the following Findings and Conclusions.

FINDING OF FACTS

1) The proposal is made under Canyon County Zoning Ordinance #79-008, as amended, Section 1.6 (3.) (c.) and Section 3.8, and requires the applicant to carry the burden of proving the use will be essential or desirable to the public convenience or welfare while not causing damage, hazard, nuisance or other detriment to persons or property in the vicinity.

2) Land use is a mixture of residential agricultural with open pasture between rural home sites. The office site is planned to be at the northern edge of a wetland area and ponds used by the public for fishing and non-motorized recreation as a golf course would be in the R-R Zone.

3) South Powerline Road borders the property on the east side and is a medium traffic flow arterial; speed limit is thirty-five (35) miles per hour and it has a paved surface approximately twenty-two feet (22') wide with two-way traffic. Possible plans include a short extension of York Avenue to the west of South Powerline Road along the northern boundary of the subject property.

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4) The subject property of this request lies within the Nampa Area of City Impact and Nampa City submits testimony in favor of this proposals with concerns for traffic safety on South Powerline Road due to a vertical curve and a slight hill limiting the visibility at the York Avenue point of intersection.

5) Canyon County Comprehensive Plan, page 69, provides for a RESOURCE PARK, "A unique area of statewide significance located at the site of a natural resource, its size dependent on that physical resource." - in this case, the availability of the water near the STATE FISH HATCHERY. The Commission finds that this proposal being in the R-R (Rural-Residential) Zone must be compatible with surrounding uses. The Comprehensive Plan (pages 61 & 62 provides) OBJECTIVES: 5) "To design public works a facilities so that they are visually pleasing and compatible with their surroundings particularly those within residential areas visible from highways, and to consult with public utilities so that public utilities facilities may be designed giving due regard to their surroundings".

6) The Commission finds that a septic system will be an approved drainfield, said approval being by the Southwest District Health Department and the water system is by a drilled well on the site. The supply of water for fire protection will be by wet well. It is planned that one wet well will exist on the west end of the building and one wet well will exist on the east end of the building next to South Powerline Road. The applicant testifies that the public will have access to the wet well near the east end of the building which further improves the availability of water for fire protection in the neighborhood.

7) All services are available in this area for this project and the Commission finds that improvement will be made without additional public expense.

8) The establishment of a Region III Office by IDAHO Fish and Game will provide twenty (20) jobs at this site and the Commission finds that adequate parking is planned for.

9) From testimony at the hearing, the Commission finds that the Partridge and the Bray Laterals have right-of-ways that must be protected across this property and the applicant assures the Commission that these right-of-ways will be honored. Nampa-Meridian Irrigation requests that all municipal surface drainage must be retained on the site and the applicant testifies that surface drainage may be contained by the establishment of a berm and agrees to do so.

10) There was no opposing testimony at the hearing with the exception of concern being expressed about the limited view for

traffic at the intersection of York Avenue and South Powerline Road, concern for the width of the entrance of York Avenue and South Powerline and that additional width may be needed for South Powerline Road to have turn lanes.

11) From testimony the Commission finds that this facility, if approved, will provide no public access thru to the fish pond area but that the public will have access to the ponds further to the south and that the public parking area will also be located there.

12) It was testified at the hearing that the Nampa Highway District is in the process of acquiring right-of-way for the extension of York Avenue west from South Powerline Road and that if this can be acquired, Nampa Highway District will be constructing York Avenue to the west to include this facility. Additionally, right-of-way may be required along the west side of South Powerline Road for the installation of turn lanes and the applicant has testified that they would be agreeable to the dedication of this additional right-of-way along Fish and Game Department property.

13) The Commission receives testimony that the building planned for construction will be constructed of wood frame, stucco siding, masonry trim, and wood shake roof. The Commission finds that type of material will be harmonious with the residential area and will be an improvement to the general area and a nice addition to the neighborhood while meeting the requirements of the Comprehensive Plan.

14) The Commission finds that the applicant is willing to comply with all traffic safety requirements and to meet whatever requirements may be necessary as determined by the Nampa Highway District.

15) The Commission finds that this proposal will not be in conflict with the Comprehensive Plan and will not remove viable farm ground from service.

16) From the lack of opposition expressed to the administrator during the staff investigation and from the absence of opposing testimony at the hearing the Commission finds that there is no opposition to this proposal.

17) Legal notice was published in the Idaho Press Tribune on March 20, 1991, mailed to local neighbors on March 18, 1991, and agencies and jurisdictions of interest on March 21, 1991. The property was posted with a legal notice on March 25, 1991 pursuant to the Zoning Ordinance.

CONCLUSIONS OF LAW

1) The Commission concludes that the applicant has carried the burden of persuasion that this request is essential and desirable to the public convenience and welfare as follows:

- 1) It will provide additional jobs,
- 2) This facility will continue to help provide recreation to the local citizens,
- 3) Public and semi-public buildings are essential uses and are for the public welfare.

2) The Commission concludes that approval of this proposal will not cause damage, hazard, nuisance or other detriment to property in the vicinity and further will create a good addition to the neighborhood. Canyon County Zoning Ordinance #79-008, as amended, Section 3.8 (1.) (a.).

3) The Commission concludes that the approval of this proposal will not be in conflict with the spirit and intent of the Comprehensive Plan. Canyon County Comprehensive Plan page 69 and pages 61 and 62.

4) The Commission concludes that a duly noticed public hearing has been held in this matter pursuant to Canyon County Zoning Ordinance #79-008 as amended, Section 1.6 (3.), Section 3.5 and Section 3.8 (1.) (d.).

ORDER

NOW LET IT BE ORDERED that the request by IDAHO FISH and GAME for a CONDITIONAL USE PERMIT to allow for the construction of a regional office facility on approximately forty (40) acres in the R-R (Rural-Residential) Zone is approved with the condition attached that, 1) if requested by the Nampa Highway District to do so the applicant will give the additional right-of-way along the west side of South Powerline Road at no cost to the District, and 2) if requested to do so will meet all other requirements of the Nampa Highway District for the construction of a safe entrance into the property from South Powerline Road or the new York Avenue Extension if constructed.

ADDENDUM

Any owner of property within a three hundred foot (300') radius of the exterior boundaries of this request may appeal the decision of

the Planning and Zoning Commission to the Board of County Commissioners provided written notice, with notarized signature of such an appeal, is filed with the Canyon County Clerk within five (5) days after the signing of the Findings, Conclusions, and Order by the Planning and Zoning Commission.

Person(s) appealing a decision of the Planning and Zoning Commission shall pay for advertising costs for the Public Hearing. Payment for hearing cost is to be submitted to the Planning and Zoning Office at the time of written notice requesting the appeal.

In reviewing an appeal of this decision, the Board of County Commissioners shall hold a public hearing using the public hearing procedures prescribed for the Commission in Sections 3.5, 3.6, and 3.7 of Canyon County Zoning Ordinance #79-008 as amended, and may approve, disapprove, or modify the action of the Planning and Zoning Commission.

APPROVED THIS 18th DAY OF APRIL, 1991



GERALD NICHOLS, Chairman

ATTEST: 
MARIA SALINAS, Recording Secretary

cc: Applicant
File
Sign up Sheet
Planning and Zoning Commission
Canyon County Commissioners

JLJ/ms